



HANNA CAMPBELL & POWELL, LLP

June 11, 2015

Leslie Patterson, Remedial Project Manager
U.S. Environmental Protection Agency
77 West Jackson Blvd. (SR-6J)
Chicago, IL 60604-3590



**Re: South Dayton Dump and Landfill Site, 1975 Dryden Road (aka) Springboro
Pike, Moraine, Ohio**

Dear Ms. Patterson:

Please allow this letter to supplement the response of Bridgestone America Tire Operations, LLC to the Agency's information request dated January 16, 2015 regarding the above-captioned site. As the Agency will recall, the Company's response dated March 13, 2015 incorporated by reference, as if fully rewritten, its response dated March 14, 2006 to the Agency's information request dated February 1, 2006.

This response is intended to supplement and further clarify the Company's response to Request 4 contained in the Agency's 2006 information request. (For ease of reference the Company's response dated March 14, 2006 is enclosed herewith as Exhibit A and the Company's response dated March 13, 2015 is enclosed as Exhibit B.)

The depositions of Vernon E. Vencill and Joseph Dr. Smart, both former Industrial Waste Disposal (IWD) driver, were taken April 14, 2015 in connection with *Hobart Corporation, et al. v. The Dayton Power and Light Company, et al.*, United States District Court for the Southern District of Ohio Western Division, Case No.: 3:13-CV-00115-WHR. Both Vencill and Smart offered testimony regarding the use of various Dayton area landfills by IWD for waste disposal. (See, generally Vencill deposition pages 43-57, attached as Exhibit C; Smart deposition pages 49-57, attached as Exhibit D).

Mr. Vencill also clarified the testimony of Frank Miracle as to the location of the Cardington Road landfill utilized by IWD. (See Vencill deposition pages 45-46.) Given the testimony of Mr. Vencill, it is clear that Mr. Miracle was actually describing the Cardington Road site rather than the subject site in his deposition testimony given June 6, 1991 and referenced in response to Request 4 in the Company's March 14, 2006 response. This testimony, along with other corroborating documents and testimony obtained in connection with litigation involving the Cardington Road and Valleycrest Superfund sites, establishes that the Company did not utilize the subject site for waste disposal in connection with the operations of The Dayton Tire and Rubber Company from 1961 to 1980.

Thank you for your attention to and consideration of this supplemental response. Please direct any future inquiries or correspondence regarding this supplemental response to William D. Wick, Esq., Wactor & Wick, LLP, 180 Grand Ave., Suite 950, Oakland, CA 94612; telephone: 510-465-5750; Fax: 510-465-5697; e-mail: bwick@ww-envlaw.com.

Very truly yours,

HANNA, CAMPBELL & POWELL, LLP



David T. Moss

DTM/ckp
Enclosures

<<HCP #808972-v1>>

cc: William Wick, Esq.

David T. Moss
Direct Dial 330.670.7326
Direct Fax 330.670.7451
E-mail DMoss@hcplaw.net

HC HANNA,
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& POWELL, LLP
ATTORNEYS AT LAW

sent
3737 Embassy Parkway
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Akron, Ohio 44334
Office 330.670.7300
Fax 330.670.0977

March 14, 2006

Via Overnight Delivery

Fred F. Bartman
U.S. EPA – Region 5
Remedial Enforcement Support Section SR-6J
77 West Jackson Blvd.
Chicago, IL 60604

Re: South Dayton Dump and Landfill Site, 1975 Dryden Road (aka) Springboro
Pike, Moraine, Ohio

Dear Mr. Bartman:

This letter is in response to the United States Environmental Protection Agency's ("the Agency") Information Request pertaining to the above-captioned Site, which was received by Bridgestone Americas Holding, Inc. on February 13, 2006. The response is submitted on behalf of Bridgestone Firestone North American Tire, LLC with regard to the Dayton Tire & Rubber Co. ("the Company").

Preliminary Statement

At the outset, the Company denies any implication that a waste disposal connection exists between the Company and the Site which would trigger any potential liability on the part of the Company under the Comprehensive Environmental Response Compensation Liability Act (CERCLA).

While the Company has carried out a search for the information requested, it should be noted that it objects generally to the Information Request because it is overly broad and insufficiently limited in scope as to time and geographic location. It imposes an undue burden on the Company and, in the absence of any established connection between the Company and the Site, becomes arbitrary and an abuse of discretion.

The Company specifically objects to what it believes is a vague and inaccurate reference to 18 U.S.C. §1001 and the possible penalties thereunder. Any information provided by the Company is based upon a reasonable investigation and search of records kept in the ordinary course of business and the Company's responses are based upon that reasonable investigation. 18 U.S.C. §1001 applies only to knowing and willful falsifications or concealments and is not applicable to all circumstances wherein the Agency claims that information supplied is false or fictitious.



The Company further objects to the request for the reason that it is beyond the scope of the Agency's authority pursuant to CERCLA §104(e), 42 U.S.C. §9604(e).

In addition, the Company objects to the request to the extent that it purports to impose a continuing obligation upon the Company to submit responsive information which may be discovered at a later time. The Company is unaware of any requirement under CERCLA or otherwise which imposes such an obligation. If the Agency has other information which it believes may establish a connection between the Company and the Site, the Company requests that such information be supplied. Absent being apprised of such other information, the Company shall assume that the written response fully satisfies the Agency's request for information.

Finally, the Company objects to the Agency's request that the response be notarized and "submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief." The Company is unaware of any requirement under CERCLA or otherwise that imposes such a duty. The matters that are the subject of this request, and the Company's response, are not within the personal knowledge of the undersigned nor is there any officer of the Company or other individual who has personal knowledge of all such matters. This letter constitutes the corporate response of Bridgestone Americas Holding, Inc. to the information request and is based upon information obtained by and from employees and counsel for the Company. The undersigned is authorized to and has signed the response as counsel for the Company.

Subject to and without waiver of the foregoing objections and general comments, the Company has made a reasonable and diligent search and inquiry for the requested information and responds as follows.

INFORMATION REQUESTED

1. Identify all persons consulted in the preparation of the answers to these questions.

ANSWER: This is a corporate response which is signed by counsel on behalf of the Company. The response is based upon information provided or researched by Company employees or its counsel and upon records regularly kept by the Company in the ordinary course of business. The Company otherwise objects to the request to the extent that it calls for the inclusion of its attorneys on the grounds that such information is protected from disclosure by privileges pertaining to attorney/client communications, attorney work product, and material prepared for trial or in anticipation of litigation. Subject to and without waiver of these objections, Company employees who were consulted in preparation of these responses were Timothy Bent, Director, Environmental Affairs, and Jane Johnson, Manager of Remediation.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

ANSWER: The Company has reviewed records of its Environmental Affairs department kept in the ordinary course of business in the preparation of this response. Other than as indicated in response to Request 4 below, in the course of such review, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site or which tends to indicate that the Company arranged for disposal of hazardous substances at the Site.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.

ANSWER: The Company is not presently aware of any such persons.

4. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of waste material(s) at current and former Dayton Tire and Rubber facilities or of the transportation of waste material(s) generated by current and former Dayton Tire and Rubber facilities and/or of waste material(s) transported to the above-referenced Site.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for disposal of hazardous substances at the Site. In the absence of evidence to indicate that a waste disposal connection exists between the Company and the Site which would trigger potential liability on the part of the Company under CERCLA, the Company objects to this request as being overly broad, unduly burdensome, arbitrary, and an abuse of discretion. Subject to and without waiver of these objections, the Company is enclosing excerpted deposition testimony of Frank Miracle, a former employee of Dayton Tire & Rubber Company, taken in connection with *Bridgestone/Firestone, Inc. v AIU Insurance Company*, Summit County Court of Common Pleas, Civil Action No. 89-01-158 on June 6, 1991. At pages 92-94 of the deposition, Mr. Miracle testified that he recalls twice following an IWD truck from the Dayton Tire & Rubber Company plant to a site which he referred to as "the South Dayton Landfill or South Dayton Sanitary Landfill." However, when asked to

identify the location of the site referred to, Mr. Miracle described it as being "down South Dixie [Highway]. South Dixie down behind a Ford dealer. You turn off and went towards 75." From this description, it is clear that Mr. Miracle was not actually describing the subject Site located at 1975 Dryden Road (aka) Springboro Pike, Moraine, Ohio and is more likely describing the Sanitary Landfill Co./Cardington Road site. The fact that Mr. Miracle's statement was in reference to the Cardington Road site is corroborated by documents and testimony from the above-referenced litigation and other records regarding the Cardington Road and Valleycrest Superfund sites. The fact that Mr. Miracle's statement was in reference to the Cardington Road site is corroborated by documents and testimony from the above-referenced litigation and other records regarding the Cardington Road and Valleycrest Superfund sites.

5. Copies of all shipping documents or other business documents relating to the transportation, storage, and/or disposal of waste material(s) or substances at current and former Dayton Tire and Rubber facilities and/or the above-referenced Site.

ANSWER: As stated above, following a diligent search and inquiry, other than as indicated in response to Request No. 4, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. Therefore, the Company is unaware of any documents responsive to this request.

6. A detailed description of the generic, common, and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material(s) generated by current and former Dayton Tire and Rubber facilities and/or transported to the above-referenced Site.

ANSWER: As stated above, following a diligent search and inquiry, other than as indicated in response to Request No. 4, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. Therefore, the Company is unaware of any documents responsive to this request.

7. For each waste material above, please give the total volume, in gallons for liquids and in cubic meters for solids, for which you arranged for disposal and list when those substances were transported to the above-referenced Site.

ANSWER: As stated above, following a diligent search and inquiry, other than as indicated in response to Request No. 4, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. Therefore, the Company is unaware of any documents responsive to this request.

8. What arrangements were made to transport the waste material(s) which were taken to the above-referenced Site? What type of transportation was used (i.e. tankers, dump trucks, drums)?

ANSWER: As stated above, following a diligent search and inquiry, other than as indicated in response to Request No. 4, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. Therefore, the Company is unaware of any documents responsive to this request.

9. Who were the transporters of the waste material(s) Dayton Tire and Rubber facilities generated, and provide their current address?

ANSWER: To the extent that this request does not refer or relate to the subject Site, the Company objects to the request as being overly broad, unduly burdensome, irrelevant, arbitrary, capricious, oppressive, and calculated to cause harassment. The Company further objects on the grounds that, to the extent the request seeks information which is unrelated to the Site in question, the request is beyond the scope of the Agency's authority. Subject to and without waiver of these objections, the plant's primary solid waste transporter during the relevant time frame was Industrial Waste Disposal Company, Inc. (IWD). The Dayton Tire & Rubber Company facility ceased operations in 1980 and was sold in 1981. Attached hereto is correspondence dated May 7, 1980 wherein IWD identified various disposal sites it utilized for the Dayton Tire & Rubber Company's waste. IWD does not identify the subject Site as having received any of the Company's waste.

10. Copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts, and chemical composition and/or chemical character of the waste material(s) transported to, stored, or disposed at current and former Dayton Tire

and Rubber facilities or transported to or offered for transportation to, storage, or disposal at the Site.

ANSWER: As stated above, following a diligent search and inquiry, other than as indicated in response to Request No. 4, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. Therefore, the Company is unaware of any documents responsive to this request.

11. A description and list of all liability-insurance coverage that is and was carried by Dayton Tire and Rubber, including any self-insurance provisions that relate to hazardous substances and/or the above-referenced Site together with copies of all of these insurance policies.

ANSWER: The Company objects to this request on the grounds that the Agency has not established the need for nor the relevancy of such information. If the Agency is seeking information regarding the Company's ability to pay for a site cleanup, should there be some basis for liability, which liability is denied by the Company, the Company's most recent auditor's financial statement (income statement and balance sheet) would provide sufficient evidence that adequate financial resources are available. If a copy of this financial statement is required, please contact the undersigned.

12. For each waste material please give the location at which it was disposed of on the Site. Please include a map of the Site with disposal locations marked on it.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. Therefore, the Company is unaware of any documents responsive to this request.

With regard to the general notice letter provisions of the February 10, 2006 correspondence, the Company denies any implication that a waste disposal connection exists between the Company and the Site which would trigger any potential liability on the part of the Company under CERCLA. The Company has communicated with Robin Lunn, counsel for Illinois Tool Works, and the "leader of the PRP Group", as referenced in the general notice letter, and provided Mr. Lunn with contact information for the Company, should additional information regarding the potential liability of Dayton Tire & Rubber Co. become available. The Company also has provided its contact information to Mr. Thomas Nash, EPA Associate Regional Counsel. The

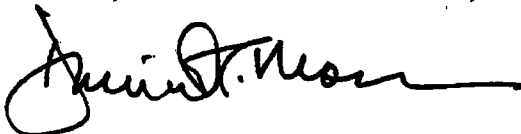
March 14, 2006

Company is willing to enter into negotiations with EPA regarding the RI/FS if the Agency or PRPs have any other information which establishes the liability of the Company at the Site.

We trust the foregoing constitutes a sufficient response to the Agency's Information Request. Please direct any future inquiries or correspondence regarding this response to the undersigned. Any other communications regarding this Site should be directed to Heidi Hughes Bumpers, Esq. at Jones, Day, Reavis & Pogue, 51 Louisiana Avenue, N.W., Washington, D.C., 20001-2113; telephone: 202-879-7616; facsimile: 202-626-1700; email: hhbumpers@jonesday.com.

Very truly yours,

HANNA, CAMPBELL & POWELL, LLP

A handwritten signature in black ink, appearing to read "David T. Moss", with a long horizontal flourish extending to the right.

David T. Moss

DTM/lmp

Enclosures

<<HCP 292419v1>>

bc: Heidi Hughes Bumpers, Esq.
Jane M. Johnson
Timothy Bent

IN THE COURT OF COMMON PLEAS

OF SUMMIT COUNTY, OHIO

BRIDGESTONE/FIRESTONE, INC.,

Plaintiff,

vs.

Civil Action No.

AIU INSURANCE COMPANY,

89-01-158

et al.,

Judge James

Defendants.

Williams

- - - - -

Deposition of FRANK P. MIRACLE, a

witness herein, called by the Defendants

Highland's Insurance Co. and Home Insurance Co.

for examination under the statute, taken before

me, Kerry L. Paul, a Registered Professional

Reporter and Notary Public in and for the State

of Ohio, by agreement of counsel, at the

Marriott, 1414 South Patterson Boulevard,

Dayton, Ohio, on Wednesday, June 6, 1991, at

9:15 a.m.

- - - - -

COPY

Cefaratti, Rennillo
& Matthews Court Reporters
CLEVELAND, OHIO (216) 687-1161
AKRON, OHIO (216) 253-8119



1 APPEARANCES:

2 On behalf of the Plaintiff:

3 Jones, Day, Reavis & Pogue, by

4 AL LUCAS, ESQ.

5 North Point, 901 Lakeside Avenue

6 Cleveland, Ohio 44114

7 (216) 586-3939

8
9 On behalf of Defendant AIU Insurance Co.,

10 American Home Assurance, Granite State

11 Insurance Co., National Union Insurance

12 Co., New Hampshire Insurance Co. and

13 Lexington Insurance Co.:

14 Cozen and O'Connor, by

15 MICHAEL R. MCCARTY, ESQ.

16 The Atrium

17 1900 Market Street

18 Philadelphia, Pennsylvania 19103

19 (215) 665-2076

20

21

22

23

24

25

Cefaratti, Rennillo
& Matthews

Court Reporters

CLEVELAND, OHIO (216) 687-1161

AKRON, OHIO (216) 253-8119



1 On behalf of Defendant Rayment & Companies
2 and London Market Defendants:

3 Lord, Bissell & Brook, by
4 DANIEL I. SCHLESSINGER, ESQ.
5 115 South LaSalle Street
6 Chicago, Illinois 60603
7 (312) 443-0600
8

9 On behalf of Defendants Allstate-Northbrook
10 and Employers Mutual:

11 McNeal, Schick, Archibald and Biro, by
12 WILLIAM J. WILLIS, ESQ.
13 The Illuminating Building, 10th Floor
14 Cleveland, Ohio 44113
15 (216) 621-9870
16

17 On behalf of Defendants Highland's
18 Insurance Co. and Home Insurance Co.:

19 Steptoe & Johnson, by
20 CHRISTOPHER T. LUTZ, ESQ.
21 DEBORAH L. POLLOCK, ESQ.
22 1330 Connecticut Avenue
23 Washington, D.C. 22036-1795
24 (202) 429-8137
25



1 A. Not always. I don't know. At the
2 last I don't know where they went.

3 Q. Did you ever know where any of them
4 were taken?

5 A. Yes. We followed some to the dump
6 before.

7 Q. I'm sorry?

8 A. We followed the dumpster to the
9 dump before.

10 Q. And this is while you were in waste
11 control?

12 A. Uh-huh.

13 Q. How many times did you do that?

14 A. Twice.

15 Q. Twice?

16 A. Uh-huh.

17 Q. The dumpster -- you are not talking
18 about a truck, are you?

19 A. Yes, the anchor packs.

20 Q. If I understand right, this is a
21 truck that comes and picks up the compactor and
22 takes it away?

23 A. Right.

24 Q. Was that a Firestone truck or was
25 that another company's?



1 A. IWD.

2 Q. IWD. Okay. And the anchor pack
3 belonged to IWD?

4 A. We leased it right, but it belonged
5 to IWD.

6 Q. And you recall twice following an
7 IWD truck with an anchor pack to the dump?

8 A. Yes.

9 Q. Which dump, do you remember?

10 A. It was called -- to the best of my
11 knowledge, it was called the South Dayton
12 landfill or South Dayton Sanitary Landfill.

13 Q. I don't know the Dayton area as
14 well as you do. Can you tell me in relation to
15 where we sit now where that is?

16 A. It would be down river, okay? It
17 is pretty close. You can almost shoot it with
18 a rifle. Do you know where Carrolton Park is?

19 Q. Yes.

20 A. Back over the hill from that.

21 Q. Was it down Patterson Avenue?

22 A. Down South Dixie. South Dixie down
23 behind a Ford dealer. You turn off and went
24 towards 75.

25 Q. South Dixie Highway?



1 A. South Dixie Highway.

2 Q. Have you ever heard that referred
3 to as the Cardington Road landfill?

4 A. No, not really.

5 Q. So you followed this -- on two
6 occasions, you followed this dumpster. Why did
7 you do that?

8 A. Basically two reasons. Okay. I
9 wanted to see what was in the dumpster or we
10 wanted to see what was in the dumpster to see
11 if there was anything that we should be
12 recycling.

13 Q. Yes.

14 A. And just to make sure -- to assure
15 ourselves that what we thought was in there was
16 in there.

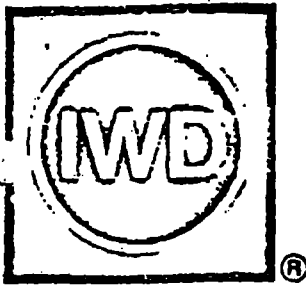
17 Q. When you say we, was it more than
18 one person that followed the dumpster to the
19 dump?

20 A. Yes. I think Ralph Ball went with
21 me and I think one of the plant protection
22 people went with me.

23 Q. Why did a plant protection person
24 come with you?

25 MR. LUCAS: Objection.





INDUSTRIAL WASTE DISPOSAL CO., INC.

P. O. BOX 1453 3975 WAGONER FORD ROAD • DAYTON, OHIO 45414

PHONE 513 278-0821

May 7, 1980

Dayton Tire & Rubber
P.O. Box 96
2342 Riverside Drive
Dayton, Ohio 45407

Attn: Mr. Ralph Ball

Dear Mr. Ball:

The purpose of this letter is to trace the history of your waste disposal by listing in chronological order the sanitary landfills IWD has utilized for the disposal of your waste since 1956.

- (A) From 1956 to 1960, your waste material was dumped at the Roger Groves Landfill located on River Road, Dayton, Ohio.
- (B) For the period from 1960 to 1966, your waste was taken to both the above Groves Landfill and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Dorothy Lane.
- (C) From 1966 to 1971, we used North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the east side of Valleycrest Drive.
- (D) From 1971 to 1976, two sites were used; North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the west side of Valleycrest Drive, and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Cardington Road.
- (E) From 1976 to 1979, only Sanitary Landfill, Inc. on Cardington Road was utilized.
- (F) Effective in October 1979 to the present, your waste has been dumped at North Sanitary Landfill, Inc. (a subsidiary of IWD) located on Pinnacle Road.

All of the above disposal sites either were or are properly licensed by all local, state, and federal regulatory agency requirements in existence at their respective times of operations.

100936

Dayton Tire & Rubber
Mr. Ralph Ball
May 7, 1980
Page -2-

As soon as possible, IWD would like to be informed of a definite timetable for us to begin removing our waste removal equipment from your plant. In addition, we are interested in purchasing the one stationary compactor owned by DT&R which is used for corrugated recycling. We are also interested in purchasing your tire shredder.

Please do not hesitate to call with any questions or problems.

Sincerely yours,

Dennis R. Mantel

Dennis R. Mantel
Vice President of Sales

DRM;kb

100937



HANNA CAMPBELL & POWELL, LLP

March 13, 2015

Via Overnight Delivery

Leslie Patterson, Remedial Project Manager
U.S. Environmental Protection Agency
77 West Jackson Blvd. (SR-6J)
Chicago, IL 60604-3590

Re: South Dayton Dump and Landfill Site, 1975 Dryden Road (aka) Springboro Pike, Moraine, Ohio

Dear Ms. Patterson:

This letter is in response to the United States Environmental Protection Agency's ("the Agency") Request for Information pertaining to the above-captioned Site, dated January 16, 2015. The response is submitted on behalf of Bridgestone American Tire Operations, LLC with regard to operations of the Dayton Tire and Rubber Company ("the Company") from 1961 to 1980. Pursuant to an agreement reached with Thomas Nash, Associate Regional Counsel, the Company was granted an extension of time, to and including March 20, 2015, to submit its response.

Preliminary Statement

At the outset, the Company denies any implication that a waste disposal connection exists between the Company and the Site which would trigger any potential liability on the part of the Company under the Comprehensive Environmental Response Compensation Liability Act (CERCLA).

While the Company has carried out a search for the information requested, it should be noted that it objects generally to the Information Request because it is overly broad and insufficiently limited in scope as to time and geographic location. It imposes an undue burden on the Company and, in the absence of any established connection between the Company and the Site, becomes arbitrary and an abuse of discretion.

The Company specifically objects to what it believes is a vague and inaccurate reference to 18 U.S.C. §1001 and the possible penalties thereunder. Any information provided by the Company is based upon a reasonable investigation and search of records kept in the ordinary course of business and the Company's responses are based upon that reasonable investigation. 18 U.S.C. §1001 applies only to knowing and willful falsifications or concealments and is not applicable to all circumstances wherein the Agency claims that information supplied is false or fictitious.

David T. Moss • 3737 Er
(P) 330.670.7326



• Akron, Ohio 44333
moss@hcplaw.net

The Company further objects to the request for the reason that it is beyond the scope of the Agency's authority pursuant to CERCLA §104(e), 42 U.S.C. §9604(e).

In addition, the Company objects to the request to the extent that it purports to impose a continuing obligation upon the Company to submit responsive information which may be discovered at a later time. The Company is unaware of any requirement under CERCLA or otherwise which imposes such an obligation. If the Agency has other information which it believes may establish a connection between the Company and the Site, the Company requests that such information be supplied. Absent being apprised of such other information, the Company shall assume that the written response fully satisfies the Agency's request for information. The Company hereby incorporates by reference, as if fully rewritten, its response, dated March 14, 2006, to the Agency's Information request dated February 1, 2006.

Finally, the Company objects to the Agency's request that the response be certified "by the individual who prepared the response or the responsible corporate official acting on behalf of the corporation". The Company is unaware of any requirement under CERCLA or otherwise that imposes such a duty. The matters that are the subject of this request, and the Company's response, are not within the personal knowledge of the undersigned nor is there any official of the Company or other individual who has personal knowledge of all such matters. This letter constitutes the corporate response of Bridgestone Americas Tire Operations, LLC to the Information Request and is based upon information obtained by and from employees and counsel for the Company. The undersigned is authorized to and has signed the response as counsel for the Company.

Subject to and without waiver of the foregoing objections and general comments, the Company has made a reasonable and diligent search and inquiry for the requested information and responds as follows.

INFORMATION REQUESTED

1. Identify all persons consulted in the preparation of the answers to these questions.

ANSWER: This is a corporate response which is signed by counsel on behalf of the Company. The response is based upon information provided or researched by Company employees or its counsel and upon records regularly kept by the Company in the ordinary course of business. The Company otherwise objects to the request to the extent that it calls for the inclusion of its attorneys on the grounds that such information is protected from disclosure by privileges pertaining to attorney/client communications, attorney work product, and material prepared for trial or in anticipation of litigation. Subject to and without waiver of these objections, Company employees who were consulted in preparation of the Company's responses were Timothy Bent, Director, Environmental Affairs, and Jane Johnson, Manager of Remediation.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

ANSWER: The Company has reviewed records of its Environmental Affairs department and available historical records of the Company's former Dayton Tire and Rubber Company manufacturing plant in Dayton, Ohio, kept in the ordinary course of business, in the preparation of this response. Other than as indicated below, in the course of such review, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site or which tends to indicate that the Company arranged for disposal of hazardous substances at the Site.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail addresses.

ANSWER: The Company is not presently aware of any such persons.

4. Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

5. State the dates(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

6. Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reason for such difference.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is

unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

11. Does your company or business have a permit or permits issued under Resource Conservation and recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have any EPA identification number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:
- a. The type of container (e.g. 55 gal. drum, dumpster, etc.);
 - b. The colors of the containers;
 - c. Any distinctive stripes or other markings on those containers;
 - d. Any labels or writing on those containers (including the content of those labels);
 - e. Whether those containers were new or used; and
 - f. If those containers were used, a description of the prior use of the containers.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion. Subject to and without waiver of these objections, the plant's primary solid waste transporter during the relevant timeframe was Industrial Waste Disposal Company, Inc. (IWD). The Dayton Tire and Rubber Company Facility ceased operations in 1980 and was sold in 1981. Attached hereto is correspondence dated May 7, 1980 wherein IWD identified various disposal sites it utilized for The Dayton Tire and Rubber Company's waste. IWD did not identify the subject Site as having received any of the Company's waste.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.
- g. State whether Respondent sent each type of its waste for disposal, treatment, or recycling.
 - h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).
 - i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.
 - j. For each type of waste specify which Waste Carrier picked it up.
 - k. For each type of waste, state how frequently each Waste Carrier picked up such waste.
 - l. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).
 - m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.

- n. Provide copies of all documents containing information responsive to the previous seven questions.
- o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
 - i. The type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
 - ii. Names or markings on the vehicles; and
 - iii. The color of such vehicles.
- p. Identify all of each Waste Carrier's employees who collected Respondent's waste.
- q. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.
- r. Describe how Respondent managed pickups of each waste, including by not limited to:
 - i. The method for inventorying each type of waste;
 - ii. The method for requesting each type of waste to be picked up;
 - iii. The identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
 - iv. The amount paid or the rate paid for the pickup of each type of waste;
 - v. The identity of (see Definitions) respondent's employee who paid the bills; and the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.
- s. Identify the individual or organization (i.e. Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.
- t. State the basis for and provide any documents supporting the answer to the previous question.
- u. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
 - i. The nature and chemical composition of each type of waste;
 - ii. The dates on which those wastes were disposed;
 - iii. The approximate quantity of those wastes disposed by month and year;
 - iv. The location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre-treatment plant, Publicly Owned Treatment Works (POTW, etc.); and
 - v. Whether and what pretreatment was provided.
- v. Identify any sewage authority or treatment works to which Respondent's waste was sent.
- w. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to

date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion. Subject to and without waiver of these objections, the plant's primary solid waste transport during the relevant timeframe was Industrial Waste Disposal Company, Inc. (IWD). The Dayton Tire and Rubber Company Facility ceased operations in 1980 and was sold in 1981. Attached hereto is correspondence dated May 7, 1980 wherein IWD identified various disposal sites it utilized for The Dayton Tire and Rubber Company's waste. IWD did not identify the subject Site as having received any of the Company's waste.

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under

CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

19. State the years during which such information was filed.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

21. State the years during which such information was sent/filed.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which

would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

22. List all federal and state environmental laws and regulation under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15, U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20)' Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

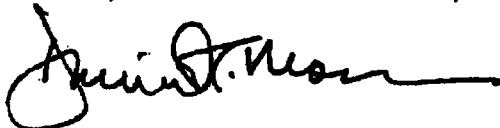
23. Identify the federal and state offices to which such information was sent.

ANSWER: As stated above, following a diligent search and inquiry, the Company has not discovered any document or other information from its own files to date which refers or relates to the Site, or which tends to indicate that the Company arranged for the disposal of hazardous substances at the Site. In the absence of evidence to indicate that a connection exists between the Company and the disposal of hazardous substances at the Site which would trigger potential liability on the part of the Company under CERCLA, and to the extent the request seeks information which is unrelated to the Site, the Company objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion.

We trust that the foregoing constitutes a sufficient response to the Agency's Information Request. Please direct any future inquiries or correspondence regarding this response to William D. Wick, Esq., Wactor & Wick, LLP, 180 Grand Ave., Suite 950, Oakland, CA 94612; telephone: 510-465-5750; Fax: 510-465-5697; e-mail: bwick@ww-envlaw.com.

Very truly yours,

HANNA, CAMPBELL & POWELL, LLP

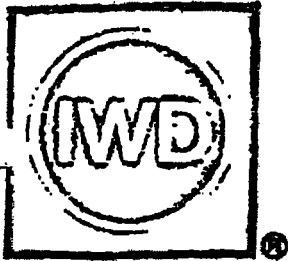
A handwritten signature in black ink, appearing to read "David T. Moss", with a long horizontal flourish extending to the right.

David T. Moss

DTM/ckp
Enclosures

<<HCP #789733-v1>>

cc: William Wick, Esq.



INDUSTRIAL WASTE DISPOSAL CO., INC.
P.O. BOX 1453 3975 WAGONER FORD ROAD • DAYTON, OHIO 45414
PHONE 513 278-0821

May 7, 1980

Dayton Tire & Rubber
P.O. Box 96
2342 Riverside Drive
Dayton, Ohio 45407

Attn: Mr. Ralph Ball

Dear Mr. Ball:

The purpose of this letter is to trace the history of your waste disposal by listing in chronological order the sanitary landfills IWD has utilized for the disposal of your waste since 1956.

- (A) From 1956 to 1960, your waste material was dumped at the Roger Groves Landfill located on River Road, Dayton, Ohio.
- (B) For the period from 1960 to 1966, your waste was taken to both the above Groves Landfill and Sanitary Landfill Inc. (a subsidiary of IWD) located on Dorothy Lane.
- (C) From 1966 to 1971, we used North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the east side of Valleycrest Drive.
- (D) From 1971 to 1976, two sites were used; North Sanitary Landfill, Inc. (a subsidiary of IWD) located on the west side of Valleycrest Drive, and Sanitary Landfill, Inc. (a subsidiary of IWD) located on Cardington Road.
- (E) From 1976 to 1979, only Sanitary Landfill, Inc. on Cardington Road was utilized.
- (F) Effective in October 1979 to the present, your waste has been dumped at North Sanitary Landfill Inc. (a subsidiary of IWD) located on Pinnacle Road.

All of the above disposal sites either were or are properly licensed by all local, state, and federal regulatory agency requirements in existence at their respective times of operations.

100936

INDUSTRIAL WASTE DISPOSAL CO., INC.

Dayton Tire & Rubber
Mr. Ralph Ball
May 7, 1980
Page -2-

As soon as possible, IWD would like to be informed of a definite timetable for us to begin removing our waste removal equipment from your plant. In addition, we are interested in purchasing the one stationary compactor owned by DT&R which is used for corrugated recycling. We are also interested in purchasing your tire shredder.

Please do not hesitate to call with any questions or problems.

Sincerely yours,

Dennis R. Mantel

Dennis R. Mantel
Vice President of Sales

DEM;kb

100937

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

* * *

HOBART CORPORATION, et al.,

Plaintiffs,

vs.

CASE NO. 3:13-cv-00115-WHR

THE DAYTON POWER AND

LIGHT COMPANY, et al.,

Defendants.

* * *

Deposition of VERNON E. VENCILL, Witness
herein, called by the Plaintiffs for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Michelle A. Elam, a
Notary Public in and for the State of Ohio, at the
offices of Sebaly, Shillito + Dyer, 1900 Kettering
Tower, 40 North Main Street, Dayton, Ohio, on
Tuesday, the 14th day of April, 2015, at 9:16 a.m.

* * *



09:59:28 1 Q. When you retired, what was the
09:59:33 2 last thing you were doing? Was it a front
09:59:36 3 loader route?

09:59:37 4 A. Yes, sir, it was.

09:59:38 5 Q. The University of Dayton and
09:59:45 6 Sherwin Williams, were they on the same route?

09:59:48 7 MR. HAUGHEY: Objection.

09:59:49 8 THE WITNESS: No, sir.

09:59:49 9 Q. Different route?

09:59:50 10 A. Yes, sir.

09:59:53 11 MR. ROMINE: That's all I have for
09:59:55 12 you, Mr. Vencill. There's going to be some other
09:59:57 13 lawyers that may have some questions, but that's
09:59:59 14 all I have for right now. Thank you.

10:00:02 15 THE WITNESS: No problem.

10:00:08 16 MR. HARBECK: Do you want to go
10:00:10 17 around? I'll go last.

10:00:19 18 MR. HAUGHEY: Let's go off the
10:00:21 19 record.

10:00:21 20 (Thereupon, an off-the-record
10:01:08 21 discussion was had.)

10:01:08 22 DIRECT EXAMINATION

10:01:08 23 BY MR. HARBECK:

10:01:08 24 Q. Mr. Vencill, I want to ask you a
10:01:12 25 little bit more about the landfills that you

10:01:13 1 used during your days as a driver for IWD. All
10:01:17 2 right?

10:01:17 3 A. All right.

10:01:17 4 Q. I know you've given at least two
10:01:20 5 prior depositions about your IWD days. Do you
10:01:24 6 remember those depositions?

10:01:25 7 A. Uh-huh.

10:01:25 8 Q. You have to say yes out loud so
10:01:28 9 she can get it.

10:01:29 10 A. Yes, sir, I do.

10:01:30 11 Q. One, I believe, was in 1992. Does
10:01:34 12 that sound about right?

10:01:36 13 A. Yeah. You're making me old. But,
10:01:40 14 yeah, I remember those.

10:01:41 15 Q. And one was in 2001 about, maybe
10:01:44 16 about fourteen years ago. Do you remember that
10:01:48 17 one?

10:01:48 18 A. If you say so.

10:01:49 19 Q. Okay. And in those depositions,
10:01:53 20 you described your use of various landfills
10:01:55 21 during your IWD truck driving days. And you've
10:02:00 22 described -- talked about one of those
10:02:02 23 landfills so far in response to Mr. Romine's
10:02:04 24 questions, and that was the Valleycrest
10:02:06 25 landfill.

10:02:06 1 A. Yes.

10:02:07 2 Q. And you said that was a landfill
10:02:08 3 that you started using at the beginning of your
10:02:11 4 employment with IWD?

10:02:13 5 A. Yes, sir.

10:02:14 6 Q. Do you remember a landfill called
10:02:17 7 Cardington Road landfill?

10:02:18 8 A. Yes, sir.

10:02:19 9 Q. Was that another landfill that you
10:02:21 10 took waste to and IWD took waste to while you
10:02:24 11 were working for IWD?

10:02:25 12 A. That's correct.

10:02:26 13 Q. And did Cardington Road open, to
10:02:32 14 the best of your knowledge, around 1970 or so?

10:02:36 15 A. I believe it was open before then
10:02:42 16 under a different owner. It wasn't owned by
10:02:45 17 IWD. But --

10:02:51 18 Q. So it was open by at least 1970,
10:02:53 19 you think it might have been open earlier than
10:02:56 20 that?

10:02:56 21 A. Yes, sir.

10:02:57 22 Q. Was the Cardington Road landfill
10:02:59 23 just off of South Dixie?

10:03:01 24 A. Yes, sir. South Dixie and
10:03:05 25 Cardington Road.

10:03:06 1 Q. Okay. And was there any car
10:03:09 2 dealership right next to the Cardington Road
10:03:12 3 landfill?

10:03:12 4 A. Yes, sir.

10:03:13 5 Q. What kind of car dealership was
10:03:15 6 there?

10:03:17 7 A. It was a Ford car dealership owned
10:03:23 8 by Johnny Bench and Pete Rose.

10:03:26 9 Q. And was Cardington Road open until
10:03:37 10 about 1980 or so?

10:03:40 11 A. I would say in that area, yes.

10:03:43 12 Q. And Cardington Road, this is in
10:03:45 13 the south Dayton area, correct?

10:03:46 14 A. Yes.

10:03:47 15 Q. And when Cardington Road closed,
10:03:49 16 did another landfill owned or operated by IWD
10:03:57 17 open up in the South Dayton area called
10:03:58 18 Pinnacle Road?

10:03:58 19 A. Yes, sir.

10:03:59 20 Q. Okay. And did you use the
10:04:00 21 Pinnacle Road after Pinnacle Road opened up?

10:04:06 22 A. That's correct.

10:04:07 23 Q. Now, was Cardington Road opened
10:04:11 24 twenty-four hours per day?

10:04:11 25 A. Basically to the drivers. Not to

10:04:14 1 the public.

10:04:14 2 Q. Got it. But you had
10:04:18 3 twenty-four-hour-per-day access to that
10:04:19 4 landfill?

10:04:20 5 A. Yes, sir.

10:04:21 6 Q. And was it six or seven days a
10:04:24 7 week?

10:04:24 8 A. The way I worked, seven days a
10:04:30 9 week. I wasn't your average driver. I worked
10:04:32 10 whenever I wanted to.

10:04:33 11 Q. I know what you did. Was
10:04:35 12 Cardington Road open, available to you seven
10:04:38 13 days a week or was it six days a week, if you
10:04:40 14 can remember?

10:04:41 15 A. You would say technically six
10:04:47 16 days, I believe. I had a key to everything so
10:04:51 17 I went where I wanted.

10:04:53 18 Q. Okay. And the six days, would
10:04:55 19 that have been Monday through Saturday?

10:04:57 20 A. Yes, sir.

10:04:58 21 Q. But you also had access -- if you
10:05:01 22 needed to use it, you had access to it on
10:05:04 23 Sundays?

10:05:04 24 A. That's correct.

10:05:05 25 Q. And you said you had a key to

10:05:09 1 Cardington?

10:05:09 2 A. Yes, sir.

10:05:10 3 Q. So there was a gate there?

10:05:11 4 A. Right.

10:05:12 5 Q. Was -- Valleycrest, now,

10:05:19 6 Valleycrest is located a little bit north of
10:05:21 7 Dayton; is that correct?

10:05:22 8 A. Yes, sir.

10:05:22 9 Q. And was that also a
10:05:24 10 twenty-four-hour-per-day operation?

10:05:25 11 A. Yes, sir.

10:05:26 12 Q. And did you also have a key to
10:05:29 13 that location?

10:05:30 14 A. Yes, sir.

10:05:31 15 Q. Did the other IWD drivers have
10:05:33 16 keys?

10:05:34 17 A. Some did.

10:05:35 18 Q. Okay. Now, you also talked about
10:05:43 19 in response to one of Mr. Romine's questions
10:05:45 20 about incinerators. And there was a Miami
10:05:49 21 County north incinerator and a Miami County
10:05:53 22 south incinerator, correct? One in the north
10:05:53 23 and one in the south. You said there were two.

10:05:57 24 A. Montgomery County. Not Miami
10:05:59 25 County.

10:05:59 1 Q. I'm sorry. Montgomery County. I
10:05:59 2 misspoke.

10:05:59 3 A. Okay. You threw me.

10:06:06 4 Q. I threw myself. Where was the
10:06:08 5 Montgomery County north incinerator located?

10:06:11 6 A. That was on Webster Street.

10:06:13 7 Q. And about how far north of
10:06:16 8 downtown Dayton was that? Give me just your
10:06:20 9 approximation.

10:06:20 10 A. Maybe two and a half, three miles.

10:06:26 11 Q. Okay. And the south Montgomery
10:06:31 12 County -- I'm sorry -- Miami County
10:06:35 13 incinerator? Montgomery. The south Montgomery
10:06:37 14 County incinerator, where was that located?

10:06:40 15 A. That was south of Dayton,
10:06:47 16 naturally. Now I don't even remember what road
10:06:55 17 it was on. Where did I tell you it was at?

10:07:01 18 Q. Did you say right around or close
10:07:02 19 to Bertram Drive?

10:07:04 20 A. Yeah. Yeah. Bertram Drive.
10:07:09 21 That's correct.

10:07:09 22 Q. It's just right now you can see
10:07:11 23 the location right off of I-75; is that right?

10:07:15 24 A. Yes, sir.

10:07:16 25 Q. And is that near Cardington Road?

10:07:18 1 A. Pardon?

10:07:20 2 Q. Was it near Cardington Road?

10:07:21 3 A. Yeah. Maybe as a crow flies, a
10:07:28 4 quarter mile over the hill.

10:07:31 5 Q. Okay.

10:07:32 6 A. But --

10:07:33 7 Q. Was the Cardington Road landfill
10:07:35 8 also referred to as the south landfill?

10:07:38 9 A. That's what the driver's called
10:07:41 10 it, yes.

10:07:42 11 Q. Okay. Under what circumstances
10:07:46 12 would you use the incinerators -- once the
10:07:49 13 incinerators opened, under what circumstances
10:07:52 14 would you use the incinerators for disposing of
10:07:57 15 waste?

10:07:57 16 A. If they were designated to haul it
10:08:03 17 there, there are some -- some of our customers'
10:08:07 18 trash was designated to go to the reduction
10:08:09 19 plant or incinerator, whichever you call it.
10:08:19 20 Some. It just depended on where we was at, I
10:08:23 21 guess.

10:08:23 22 Q. Okay. Were there occasions or
10:08:27 23 times when incinerators weren't operating or
10:08:31 24 weren't functioning for one reason or another?

10:08:33 25 A. Yeah. They would get overfull and

10:08:37 1 didn't have enough room to burn their trash and
10:08:45 2 then we'd take it to the landfill.

10:08:46 3 Q. And when you were intending to go
10:08:48 4 to the south incinerator and you got diverted,
10:08:53 5 is that when you would take it to Cardington
10:08:57 6 Road landfill?

10:08:57 7 A. Cardington or Pinnacle, whichever
10:09:02 8 one we was closest to.

10:09:04 9 Q. Okay. And when the north
10:09:06 10 incinerator was down, where would you take the
10:09:10 11 waste?

10:09:11 12 A. Powell Road sometimes.
10:09:15 13 Valleycrest, if they wasn't already shut down.
10:09:24 14 Wherever we were close to that was economic to
10:09:27 15 do it, that's where we hauled it to.

10:09:29 16 Q. Okay. Tommy Danis, you said, was
10:09:37 17 the owner of IWD --

10:09:39 18 A. Yes, sir.

10:09:39 19 Q. -- until they sold out to Waste
10:09:43 20 Management?

10:09:43 21 A. That's correct.

10:09:43 22 Q. Did Tommy Danis have a rule about
10:09:47 23 using IWD-related landfills?

10:09:50 24 A. Yeah. That's what we used. He
10:09:53 25 owned them. And if possible, we took things to

10:09:59 1 IWD landfills.

10:10:01 2 Q. And what was the reason for that
10:10:02 3 rule?

10:10:02 4 A. Money. To make money, you know.
10:10:09 5 It's better to give it to yourself than to give
10:10:11 6 it to a competitor.

10:10:12 7 Q. Okay. I'm going to switch gears
10:10:19 8 just for a little bit and talk about an entity
10:10:22 9 called Blaylock or Blaylock Trucking. Are you
10:10:25 10 familiar with them?

10:10:25 11 A. Yes.

10:10:26 12 Q. Did you ever hear of a landfill
10:10:33 13 right off Dorothy Lane called -- what's
10:10:36 14 sometimes referred to as the Blaylock landfill?

10:10:38 15 A. Years ago, yes.

10:10:40 16 Q. And was that an entity -- was that
10:10:45 17 a location -- well, let me ask you this. Why
10:10:47 18 was it referred to as the Blaylock landfill?

10:10:50 19 A. Because Louie Blaylock owned it.

10:10:52 20 Q. Okay. And what was Louie Blaylock
10:10:56 21 back then? Was he in the waste hauling
10:10:59 22 business?

10:10:59 23 A. He had trash trucks and evidently
10:11:07 24 other stuff, too. Not just in Ohio, but --
10:11:15 25 Louie Blaylock was substantially wealthy.

10:11:23 1 Nobody knew it, but he was.

10:11:24 2 Q. Okay. So the Blaylock landfill,
10:11:28 3 was that a landfill that you understood
10:11:30 4 Mr. Blaylock was using to dispose of the waste
10:11:32 5 that he was picking up in the 1960s?

10:11:35 6 A. More or less, yes. Yeah. His
10:11:39 7 landfill was for his purpose. Of course, he
10:11:44 8 allowed other people to dump in there also. If
10:11:46 9 you had the money, you could dump.

10:11:50 10 Q. As far as you understand, did
10:11:53 11 Blaylock also use the Cardington Road landfill
10:11:57 12 when you were working for IWD?

10:11:59 13 A. Yes.

10:11:59 14 Q. Did you see the Blaylock trucks in
10:12:02 15 there?

10:12:02 16 A. Yes.

10:12:02 17 Q. Okay. Was it your understanding
10:12:05 18 that that was also a typical place where
10:12:08 19 Blaylock used to dispose of his waste while he
10:12:11 20 was in operation?

10:12:12 21 A. Yes, sir.

10:12:12 22 Q. Have you heard of an entity called
10:12:18 23 Broadway Sand & Gravel?

10:12:19 24 A. Yes, sir.

10:12:20 25 Q. And what -- can you describe what

10:12:22 1 that entity was back in the -- let's say the
10:12:27 2 1960s or '70s?

10:12:29 3 A. That was more or less a gravel pit
10:12:33 4 owned by Larry Cornett.

10:12:34 5 Q. Owned by Larry Cornett did you
10:12:36 6 say?

10:12:36 7 A. Yes. And people bought gravel
10:12:44 8 from him. He hauled it to them also. So --

10:12:48 9 Q. Okay. Where was that located?

10:12:50 10 A. That was on Bertram Drive, too,
10:12:54 11 just north of the south incinerator.

10:12:56 12 Q. And is that entity distinct from
10:13:00 13 the entity that David Romine asked you about
10:13:02 14 called the South Dayton Dump?

10:13:04 15 A. Yeah. It's a different place
10:13:07 16 altogether.

10:13:07 17 Q. Have you heard of an entity called
10:13:18 18 Container Services?

10:13:19 19 A. Yes, sir.

10:13:19 20 Q. Do you have any understanding as
10:13:21 21 to what landfills Container Services used while
10:13:25 22 you were working for IWD?

10:13:26 23 A. Basically Powell Road because that
10:13:30 24 was theirs.

10:13:30 25 Q. And when you say that was theirs,

10:13:34 1 what do you mean?

10:13:35 2 A. They owned it.

10:13:36 3 Q. Okay. Did you also see Container
10:13:42 4 Services at Valleycrest from time to time?

10:13:44 5 A. Yes, sir.

10:13:45 6 Q. Okay. The one time you went to
10:13:51 7 the South Dayton Dump with this construction
10:13:53 8 debris from DP&L, did you also haul other
10:14:00 9 waste, make other waste pick-ups at DP&L?

10:14:02 10 A. Yes, sir. We had a container for
10:14:06 11 the telephone polls and other stuff, and we
10:14:10 12 hauled just like any other customer.

10:14:12 13 Q. Okay. And for those -- the DP&L
10:14:15 14 waste that you picked up, did that waste always
10:14:19 15 go to the other landfills we described, such as
10:14:22 16 Cardington Road or Pinnacle Road?

10:14:25 17 A. Right.

10:14:25 18 Q. Did any of that waste ever go to
10:14:28 19 the South Dayton Dump?

10:14:29 20 A. Not that I'm aware of, no.

10:14:31 21 Q. In your 1992 deposition, you
10:14:37 22 described hauling waste for a customer called
10:14:41 23 Dayton Walther. And in that deposition, you
10:14:43 24 said you picked up maybe three to four times a
10:14:47 25 day -- during some part of your career with

10:14:50 1 IWD, picked up three to four times a day,
10:14:55 2 sometimes six to seven, metal shavings in ten
10:14:58 3 to twelve yard containers.

10:15:01 4 MR. ROMINE: Objection. Leading.

10:15:02 5 THE WITNESS: Pardon?

10:15:02 6 Q. All right. He's just -- he
10:15:02 7 objected. That's okay.

10:15:03 8 Was that testimony accurate when you
10:15:06 9 gave it?

10:15:07 10 A. Fairly much so, yes. That's all I
10:15:10 11 can recall. I don't even know why we hauled
10:15:15 12 it, but we did.

10:15:16 13 Q. Okay. But you do recall hauling
10:15:19 14 that type of waste from Dayton Walther?

10:15:22 15 A. Just vaguely.

10:15:23 16 Q. Okay. Do you recall Danis
10:15:55 17 acquiring Blaylock Trucking sometime in the
10:15:59 18 early 1970s?

10:16:01 19 A. I don't really remember when he
10:16:07 20 acquired Blaylock Trucking. I'm pretty sure it
10:16:18 21 was a couple of years before I found out he
10:16:22 22 owned it. Tommy didn't go around telling
10:16:24 23 people what all he did.

10:16:25 24 Q. When do you think approximately
10:16:30 25 you learned that he owned it? Would it have

10:16:37 1 been fairly early on in your tenure with IWD?

10:16:40 2 A. Late '70s, early '80s, maybe.

10:16:44 3 Q. Okay. After the acquisition,
10:16:50 4 Blaylock Trucking continued to operate under
10:16:52 5 the name Blaylock Trucking?

10:16:54 6 A. Yes.

10:16:55 7 Q. And it had an office?

10:16:59 8 A. Yeah. It was right there at the
10:17:00 9 trucking company.

10:17:01 10 Q. And where was that office located?
10:17:03 11 Was that --

10:17:03 12 A. It was on Bertram Drive.

10:17:04 13 Q. Bertram Drive. In the Cardington
10:17:06 14 Road/Dorothy Lane area?

10:17:07 15 A. Yes.

10:17:27 16 MR. HARBECK: That's all that I have
10:17:28 17 for right now. Why don't we take a three-minute
10:17:39 18 break.

10:17:39 19 (Thereupon, a break was had.)

10:27:04 20 CROSS-EXAMINATION

10:27:06 21 BY MR. HAUGHEY:

10:27:06 22 Q. Is your last name pronounced -- is
10:27:10 23 it Vencill?

10:27:10 24 A. Just like a pencil.

10:27:12 25 Q. Vencill, correct?

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION

4 * * *

5 HOBART CORPORATION, et al.,

6 Plaintiffs,

7 vs.

CASE NO. 3:13-cv-00115-WHR

8 THE DAYTON POWER AND

9 LIGHT COMPANY, et al.,

10 Defendants.

11 * * *

12 Deposition of JOSEPH D. SMART, Witness
13 herein, called by the Plaintiffs for
14 cross-examination pursuant to the Rules of Civil
15 Procedure, taken before me, Michelle A. Elam, a
16 Notary Public in and for the State of Ohio, at the
17 offices of Sebaly, Shillito + Dyer, 1900 Kettering
18 Tower, 40 North Main Street, Dayton, Ohio, on
19 Tuesday, the 14th day of April, 2015, at 1:02 p.m.

20 * * *



13:38:10 1 A. Yes, sir.

13:38:30 2 Q. Okay.

13:38:30 3 MR. ROMINE: I think that's all I
13:38:31 4 have for now. I may come back. But I'm going to
13:38:34 5 let some of the other lawyers ask questions.

13:38:36 6 THE WITNESS: All right, sir.

13:38:57 7 CROSS-EXAMINATION

13:38:58 8 BY MR. HARBECK:

13:38:58 9 Q. Good afternoon, Mr. Smart.

13:39:00 10 A. Good afternoon, sir.

13:39:00 11 Q. Can I call you Joe?

13:39:01 12 A. Yes, sir.

13:39:02 13 Q. Okay. Joe, what's your date of
13:39:03 14 birth?

13:39:04 15 A. 2-28-41.

13:39:06 16 Q. And what year did you retire?

13:39:09 17 A. '94.

13:39:10 18 Q. And was -- you retired in '94.

13:39:16 19 You talked about hauling out of GM. Was
13:39:18 20 that -- you said the last four or five years of
13:39:20 21 your IWD or Waste Management days then?

13:39:22 22 A. Yes, sir.

13:39:23 23 Q. So that would have been roughly
13:39:24 24 around 1990 to 1994?

13:39:26 25 A. Yes, sir.

13:39:27 1 Q. Okay. Joe, have you had any
13:39:28 2 medical issues or problems in the last several
13:39:31 3 years?

13:39:31 4 A. Yes, I have.

13:39:32 5 Q. Could you give us a brief
13:39:34 6 description of those medical issues?

13:39:35 7 A. Well, I've had two heart attacks.
13:39:39 8 I've had -- I lost my left arm. Three knee
13:39:47 9 replacements. I just had half of my foot cut
13:39:53 10 off. I've had -- I've had bowel -- or colon
13:40:01 11 problems. They wanted to take it out. And
13:40:06 12 back surgery. I fell and broke my hip not long
13:40:11 13 ago. Hip replacement. I just fell three weeks
13:40:18 14 ago and fractured my --

13:40:20 15 MRS. SMART: Right pelvis area.

13:40:22 16 THE WITNESS: Yeah. Right. Cracked
13:40:23 17 my pelvis area.

13:40:25 18 Q. And that's probably the Reader's
13:40:27 19 Digest, the shortened version?

13:40:28 20 A. I guess.

13:40:28 21 Q. I would have to say you're doing
13:40:30 22 amazing well given all that.

13:40:32 23 A. Thank you.

13:40:33 24 Q. You're really in good shape having
13:40:35 25 gone through a lot of trauma.

13:40:39 1 Quick question about the landfill
13:40:41 2 you described using which you said was the --
13:40:44 3 you said it was Larry Brannon's landfill when
13:40:46 4 you were working for Container Services?

13:40:48 5 A. Yes, sir.

13:40:48 6 Q. And that was a landfill that was
13:40:50 7 the Container Services landfill?

13:40:52 8 A. Yes, sir.

13:40:52 9 Q. And I think you said that was on
13:40:56 10 Guthrie Road?

13:40:56 11 A. Yes, sir.

13:40:56 12 Q. Okay. I just want to show you a
13:40:59 13 document. And I want to mark this as Exhibit
13:41:04 14 1.

13:41:04 15 (Thereupon, Smart Exhibit Number 1
13:41:33 16 was marked for purposes of identification.)

13:41:33 17 Q. Was that landfill near a police
13:41:37 18 academy?

13:41:38 19 A. Yes, sir.

13:41:38 20 Q. I'm showing you now what's been
13:41:40 21 marked Exhibit 1. For those on the phone and
13:41:43 22 for those that don't have it in the room, it's
13:41:46 23 a Map Quest location showing Dayton Police
13:41:54 24 Department Academy on Guthrie Road. It's got
13:41:55 25 a pinpoint on Guthrie Road. Do you see that?

13:41:58 1 A. Yes, sir.

13:41:58 2 Q. Is that area approximately where
13:42:01 3 the Container Services landfill was?

13:42:03 4 A. Yes, sir.

13:42:03 5 Q. Okay. And to the best of your
13:42:05 6 recollection, is that the waste site that
13:42:10 7 Container Services used while you were working
13:42:12 8 there to dispose of its waste that it picked
13:42:15 9 up?

13:42:15 10 A. Yes, sir.

13:42:16 11 Q. Okay. Thank you. I want to shift
13:42:26 12 now to your IWD days.

13:42:29 13 A. Uh-huh.

13:42:29 14 Q. And you think you started sometime
13:42:31 15 in the early 1970s?

13:42:33 16 A. Yes, sir.

13:42:34 17 Q. Okay. And in response to several
13:42:39 18 questions from Mr. Romine, he asked you where
13:42:42 19 you took the waste, and you identified, I
13:42:49 20 think, at that point maybe three or four
13:42:51 21 locations. Valley Street?

13:42:53 22 A. Yes, sir.

13:42:53 23 Q. Powell Road?

13:42:55 24 A. Yes, sir.

13:42:56 25 Q. The incinerators when they opened?

13:42:57 1 A. Yes, sir.

13:42:58 2 Q. The incinerators, did you mean the
13:43:01 3 Montgomery County incinerators?

13:43:04 4 A. Yes, sir.

13:43:04 5 Q. And was there an incinerator north
13:43:06 6 of Dayton and an incinerator south of Dayton?

13:43:08 7 A. Yes, sir.

13:43:08 8 Q. And those are the two incinerators
13:43:08 9 that you were referring to?

13:43:08 10 A. Yes, sir.

13:43:08 11 Q. Okay. Cardington Road, did you
13:43:11 12 also use the Cardington Road landfill?

13:43:13 13 A. Yes, sir.

13:43:13 14 Q. And when Cardington Road landfill
13:43:17 15 closed, did IWD start using the Pinnacle Road
13:43:21 16 landfill?

13:43:21 17 A. Yes, sir.

13:43:22 18 Q. Do you know how long the Powell
13:43:30 19 Road landfill was available for waste disposal?
13:43:33 20 Did that go sometime into the early 1980s?

13:43:37 21 A. Yes, sir.

13:43:37 22 Q. Now, the Valley Street and the
13:43:44 23 Cardington Road and Pinnacle Road landfills,
13:43:47 24 were all those affiliated with Danis or IWD?

13:43:50 25 A. Yes, sir.

13:43:51 1 Q. Was it your understanding that
13:43:53 2 Danis either owned or operated those landfills?

13:43:56 3 A. Yes, sir.

13:43:56 4 Q. Okay. Did -- did -- when you were
13:43:59 5 with IWD, did Danis have a rule about using
13:44:03 6 landfills that were affiliated with IWD?

13:44:06 7 A. Yes, sir.

13:44:06 8 Q. And what was that rule?

13:44:08 9 A. Money. They didn't want to take
13:44:11 10 it to a different landfill because it cost more
13:44:15 11 to bring it over and dump it in your own
13:44:18 12 landfill.

13:44:18 13 Q. Okay. Did that rule continue
13:44:21 14 after IWD was bought out by Waste Management?

13:44:24 15 A. Yes, sir.

13:44:25 16 Q. The Cardington Road landfill, was
13:44:46 17 that located off of South Dixie?

13:44:48 18 A. Yes, sir.

13:44:49 19 Q. Was that sometimes also referred
13:44:50 20 to as the south landfill?

13:44:53 21 A. Yes.

13:44:54 22 Q. And was Valleycrest the north
13:44:56 23 landfill?

13:44:56 24 A. Yes, sir.

13:44:57 25 Q. Do you know an entity called

13:44:59 1 Blaylock or Blaylock Trucking?

13:45:00 2 A. Yes, sir.

13:45:01 3 Q. Where was their office located?

13:45:04 4 A. It was located down by the south
13:45:07 5 incinerator right next door to Broadway Sand &
13:45:12 6 Gravel.

13:45:12 7 Q. Okay. And what was Broadway
13:45:16 8 Sand & Gravel?

13:45:16 9 A. It was a pit where they dug dirt
13:45:20 10 and gravel, took it out in dump trucks and sold
13:45:23 11 it.

13:45:23 12 Q. Okay. Did Danis acquire Blaylock
13:45:28 13 sometime in the early 1970s?

13:45:30 14 A. Somewhere in there.

13:45:31 15 Q. Did Blaylock Trucking continue to
13:45:33 16 have an office at that location?

13:45:35 17 A. Yes.

13:45:35 18 Q. And it was still called Blaylock
13:45:38 19 even though it was now owned by Danis?

13:45:39 20 A. Right.

13:45:40 21 Q. Was Cardington Road and
13:45:51 22 Valleycrest landfills that were available for
13:45:54 23 waste disposal for IWD drivers twenty-four
13:45:58 24 hours a day?

13:45:59 25 A. Not twenty-four hours a day. We

13:46:00 1 was there for so many hours.

13:46:02 2 Q. I know you were because you had
13:46:03 3 your shift.

13:46:04 4 A. Right.

13:46:04 5 Q. But was it available twenty-four
13:46:07 6 hours?

13:46:07 7 A. Oh, I don't know. I think it was,
13:46:09 8 yes, sir.

13:46:09 9 Q. Okay. And did you have a key
13:46:12 10 to --

13:46:12 11 A. Yeah. We had keys to all the
13:46:13 12 landfills. Yes, sir.

13:46:14 13 Q. Okay. During your employment with
13:46:26 14 Container Services, did you develop some
13:46:28 15 familiarity with landfills used by Container
13:46:34 16 Service?

13:46:34 17 A. Yes.

13:46:35 18 Q. And to your knowledge, did any
13:46:37 19 other drivers ever take any waste that was
13:46:39 20 picked up by Container Service to the South
13:46:42 21 Dayton Dump?

13:46:42 22 A. I don't know.

13:46:43 23 Q. To your knowledge, did they?

13:46:45 24 A. I don't know.

13:46:50 25 Q. Okay. During your IWD days, did

13:46:53 1 you become familiar with landfills that were
13:46:56 2 used by IWD drivers?

13:46:58 3 A. Yes, sir.

13:46:58 4 Q. And to your knowledge, did any IWD
13:47:02 5 drivers ever use the South Dayton Dump?

13:47:03 6 A. No, sir.

13:47:27 7 Q. Okay.

13:47:27 8 MR. HARBECK: That's all the
13:47:28 9 questions I have right now. Thank you.

13:47:30 10 THE WITNESS: Okay.

13:47:30 11 CROSS-EXAMINATION

13:47:34 12 BY MR. VAN KLEY:

13:47:34 13 Q. I have a few questions for you.
13:47:35 14 My name is Jack Van Kley. I represent a couple
13:47:39 15 companies that are Defendants in this case. I
13:47:40 16 want to ask you just a couple of follow-up
13:47:43 17 questions about the Van Dyne Crotty waste that
13:47:45 18 you testified that you collected.

13:47:47 19 A. Yes.

13:47:47 20 Q. Did you notice any odors coming
13:47:49 21 from the Van Dyne Crotty waste that you picked
13:47:54 22 up?

13:47:54 23 A. Yes, sir.

13:47:55 24 Q. Were the -- the rags that you
13:48:02 25 testified about, were they cut-up rags?